

**JONATHAN ANTHONY MENTH,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** ) **No. 1:11cv98 SNLJ**  
 )  
 **LORENE ARMSTRONG, et al.,** )  
 )  
 **Defendants.** )

This matter is before the Court on plaintiff's Motion for Leave to File an Amended Complaint, filed July 29, 2011 (#19). No response has been filed.

Plaintiff, an inmate at the Southeast Correctional Center (“SECC”), brings this action under 42 U.S.C. §1983. Defendants presently in the case are defendants Lorene Armstrong, Assistant Case Worker at SECC; Brian Hoskins, Sergeant at SECC; Scott Berry, Correctional Officer at SECC; and Chris Reese, Correctional Officer at SECC. Plaintiff alleges that those defendants subjected him to cruel and unusual punishment by failing to protect him from an attack by another inmate, Joseph Van, who was a declared enemy to plaintiff. Plaintiff says that defendant Armstrong was the “bed broker” and she decided that Van should be placed in plaintiff’s cell. Plaintiff claims that Defendants Hoskins, Berry, and Reese put Van in Plaintiff’s cell despite plaintiff informing them that Van was his enemy and that they were placing him in danger. Plaintiff alleges that Berry threatened to mace him if he did not accept Van into his cell. Plaintiff says that shortly after Van was placed in the cell Van attacked him from behind, hitting him on the head with a hard object.

Plaintiff now seeks to add claims against a fifth defendant, Charles Brown, who plaintiff alleges was in the “housing unit bubble and was in charge of checking my I.C.R. (Institutional Confinement Record), before he put Joseph Van my enemy into my cell. The I.C.R. would of told him...that Joseph Van was my enemy. I want to amend my complaint to reflect the identity and the actions of officer COI Charles Brown.”


Plaintiff did not file a proposed Amended Complaint with his Motion. Although plaintiff will be permitted to file an amended complaint adding Charles Brown as a defendant, plaintiff must actually file an Amended Complaint that contains all allegations and all claims against all defendants remaining in the case. Plaintiff’s Amended Complaint will supercede his earlier-filed complaint, so the new amended complaint should contain both (1) the surviving allegations and claims from his Complaint against defendants Lorene Armstrong, Brian Hoskins, Scott Berry, Chris Reese, and (2) allegations and claims against the new defendant Charles Brown.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s Motion for Leave to File an Amended Complaint, filed July 29, 2011 (#19), will be held pending plaintiff’s submission of complete Amended Complaint containing all allegations and all claims against defendants Lorene Armstrong, Brian Hoskins, Scott Berry, Chris Reese, and Charles Brown.

**IT IS FURTHER ORDERED** that plaintiff shall file his Amended Complaint with the Court no later than October 12, 2011.

Dated this 1st day of September, 2011.

  
UNITED STATES DISTRICT JUDGE